

MEMORANDUM FOR: [REDACTED], Office of Logistics

STATINTL

VIA : Director of Logistics

SUBJECT : Claim Based on Detail Assignment

REFERENCES : (a) Mr. [REDACTED] memo dtd 21 Apr 77, subject:
Claim Based on Illegal Detail
(b) Comp Gen Decisions B183086 and B184990

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1. The matter of assignment of personnel to positions graded higher than the grade of the incumbent without promotion was the subject of an extensive review by the Office of the General Counsel at the time the Comptroller General issued reference decisions. Attached is a synopsis of the OGC opinion 76-6048 dated 1 November 1976.

2. After a ^{thorough} complete study of the decisions and the regulations and law on which the decisions are based, the OGC concluded that these decisions do not apply to Agency positions or personnel. The Civil Service Commission regulations involved in the Comptroller General decisions are not directly applicable to Agency employees and the Agency has no regulations of its own which mandate procedures comparable to the CSC regulations. The promotion policy of the Agency is described in [REDACTED] which states "the promotion of employees is based on competitive evaluation of their performance, qualifications, length of service and value to the Agency". [REDACTED]

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specifically provides for assignments to positions of higher grade.

3. Your claim in reference (a) for back pay for the period you were assigned as a GS-11 to a GS-12 position is therefore denied insofar as it is based on the Comptroller General decisions B 183086 and B 184990. If you have further questions in this regard, please feel free to contact my office.

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Att.
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